

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: C.R. BARD, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2187

THIS DOCUMENT RELATES TO:

Williams, et al. v. C. R. Bard, Inc., et al.

Civil Action No. 2:13-cv-05038

ORDER

(Dismissing C. R. Bard, Inc. With Prejudice and Transferring Case to MDL 2327)

Before the court is a Notice of Voluntary Dismissal, filed by the plaintiff on July 30, 2018 [ECF No. 8], seeking the dismissal of this action against defendant C. R. Bard, Inc., with prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. As stated in Pretrial Order No. 285, the court has construed all notices of voluntary dismissal filed after the service an answer as a Motion to Dismiss pursuant Rule 41(a)(2), unless all parties sign and stipulate to the dismissal of the opposing party. No opposition to the motion has been filed. Other defendants, including Ethicon, Inc. and Johnson & Johnson, remain.

The court **ORDERS** that the Notices of Voluntary Dismissal, which has been construed as a Motion to Dismiss, is **GRANTED**. Defendant C. R. Bard, Inc. is **DISMISSED WITH PREJUDICE** as a defendant in this action.

Pursuant to Bard MDL Pretrial Order # 275, as amended by Pretrial Order # 283, (Amended Docket Control Order – C. R. Bard, Inc. Wave 7 Cases), which states the following,

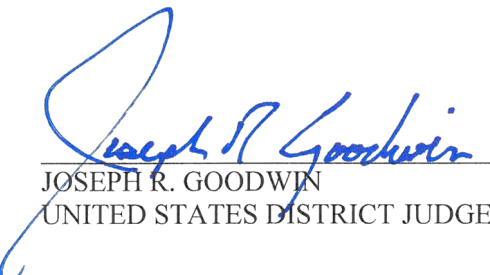
Transfer of any Wave 7 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into American Medical Systems, Inc. ("AMS"), Boston Scientific Corporation ("BSC") or Ethicon, Inc. ("Ethicon") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this case, which resided previously in Bard Wave 7, is **TRANSFERRED** to MDL 2327 and is now subject to PTO Nos. 280 and 303 entered in MDL 2327. The court **DIRECTS** plaintiffs' counsel to file the appropriate Amended Short Form Complaint within the time stated in the Motion.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as a member case in MDL 2187 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO Nos. 280 and 303 in this individual case;
- (3) change the 2187 Wave 7 flag to a MDL 2327 Wave 8 flag; and
- (4) send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 14, 2018


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE